

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:10-CV-12-BO

DOUGLAS S. McGLOHON,

Plaintiff,

v.

CAMPBELL UNIVERSITY,

Defendant.

ORDER

The Court has before it a Motion to Change Venue [DE 16] filed by Plaintiff Douglass S. McGlohon. Considering Plaintiff's Motion and Defendant's Response in Opposition, the Court finds as fact that:

1. On June 23, 2010, this Court dismissed as frivolous the original Complaint of Plaintiff;
2. On September 19, 2010, the Court dismissed Plaintiff's Motion to Docket a Judgment;
3. Plaintiff filed the instant Motion on November 15, 2010—more than thirty days from the entry of any previous order filed in this matter;
4. The Plaintiff has not filed or served a Notice of Appeal from any order in this matter;


WHEREFORE, because Plaintiff has not filed a timely appeal pursuant to Federal Rule of Appellate Procedure 4(a) and 28 U.S.C. § 2107, this Court is without jurisdiction to consider Plaintiff's Motion. *Browder v. Director, Dept. of Corrections*, 434 U.S. 257, 264 (1978); *accord Alston v. MCI Comm. Corp.*, 84 F.3d 705, 706 (4th Cir. 1996); *Rector v. Approved Federal Savings Bank*, 265 F.3d 248, 253 (4th Cir. 2001).

CONCLUSION

For the reasons set forth above, Plaintiff's Motion to Change Venue [DE 16] is DENIED.

SO ORDERED.

This 8th day of January, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE